

REMARKS

Claims 21, 54-56, 58, 60, 62, 63, 65, 67-70, and 72 are pending in the application. Claims 58 and 60 are rejected. Claims 21, 54-56, 58, 60, 62, 63, 65, 67-70, and 72 are allowed. Claims 58 and 60 are amended herein. Claims 21, 54-56, 58, 60, 62, 63, 65, 67-70, and 72 remain for consideration.

Examiner Interview

The undersigned attorney of record spoke with Examiner Steward on the telephone February 13, 2008. The Examiner indicated that claims 58 and 60 would be allowable if Applicant amended claims 58 and 60 so that the language "wherein said port is defined by said end cap" is changed to --wherein said port is located in said end cap --. Applicant has amended claims 58 and 60 accordingly.

Claim Rejections – 35 USC §102; Ray et al.

The Examiner rejects claims 58 and 60 as being anticipated by Ray et al. (U.S. Patent No. 5,026,373). The Examiner states:

Ray et al discloses an interbody spine fusion (50) comprising a body (53) defining an outside surface, a carrier (57), a carrier receiving area (56 & 52), implanting the bone implantable device adjacent a target bone structure (see Fig. 9), applying biologically active substance onto the carrier after said step of implanting for subsequent delivery to said target bone structure (see col. 8, lines 36-41; col. 10, lines 6-12).

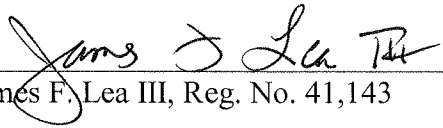
Ray et al. fails to teach at least the limitation directed to the plug in the port. Allowance of claims 58 and 60 is requested.

Considering the foregoing, it is sincerely believed that this case is in condition for allowance, which is respectfully requested.

This paper is intended to constitute a complete response to the outstanding Office Action. Please contact the undersigned if it appears that a portion of this response is missing or if there remain any additional matters to resolve. If the Examiner feels that processing of the application can be expedited in any respect by a personal conference, please consider this an invitation to contact the undersigned by phone.

Respectfully Submitted,

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Date


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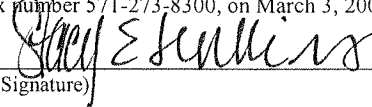
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I hereby certify that this correspondence and any document referred to as being attached thereto is being transmitted via facsimile to Examiner Alvin J. Stewart in Art Unit 3738 in the U.S. Patent Office at fax number 571-273-8300, on March 3, 2008.

Stacy E. Jenkins
(Type name of person mailing paper)


(Signature)

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